

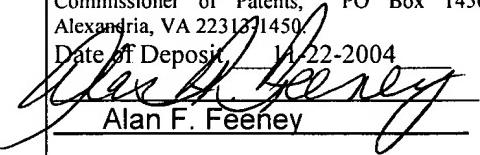


PATENT
Attorney Docket No. 00537-163002
046/US/PCT/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: : EXAMINER: Mohamed, Abdel
CAWTHORNE, Michael A., et al. : ART UNIT: 1653
: :
APPLICATION NO.: 09/423,683 : :
: :
FILED: March 20, 2000 : :
: :
FOR: METHOD OF TREATING : :
HYPERLIPIDEMIA : :

I hereby certify under 37 CFR 1.10 that this correspondence is being deposited with the United States Postal Service as Express mail EV493188298US with sufficient postage on the date indicated below and is addressed to the Commissioner of Patents, PO Box 1450, Alexandria, VA 22313-1450.
Date of Deposit: 11-22-2004


Alan F. Feeley

Commissioner of Patents
PO Box 1450
Alexandria, Virginia 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. §3.73(b) AND § 1.321(b)

Pursuant to 37 C.F.R. §3.73(b), Société de Conseils de Recherches et d'Applications Scientifiques, S.A.S., a corporation duly organized under the corporate laws of France, hereby certifies that it is the Assignee of the entire right, title, and interest in the above application by virtue of:

A chain of title from the inventor of the patent application identified above, to the current Assignee as shown below:

1. From Michael Anthony Cawthorne, Matthew V. Sennitt and Yong-Ling Liu to Biomeasure, Inc. The document was recorded in the Patent and Trademark Office at Reel 011156, Frame 0240 on December 8, 2000.

2. From Biomeasure, Inc. to Société de Conseils de Recherches et d'Applications Scientifiques, S.A.S. The document was recorded in the Patent and Trademark Office at Reel 011167, Frame 0512 on December 13, 2000.

The undersigned has reviewed all the documents in the chain of title of the above-identified application and to the best of undersigned's knowledge and belief, title is in the Assignee identified above.

Claims 32, 34-35, 38, 40-41, 4, 46, 47, 50, 52 and 53 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2, 3, 5-8, 10-13 and 15 of U.S. Patnet Number 6,004,928 dated December 21, 1999.

Pursuant to 37 C.F.R. § 1.321(b), and to obviate the double patenting rejection, the Assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above identified application subsequent to the expiration date of U.S. Patent Number 6,004,928. Further, any patent granted on the above-identified application shall be enforceable only for and during such period that it is commonly owned with U.S. Patent Number 6,004,928.

The Assignee identified above does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory terms of U.S. Patent Number 6,004,928 in the event that the patent later:

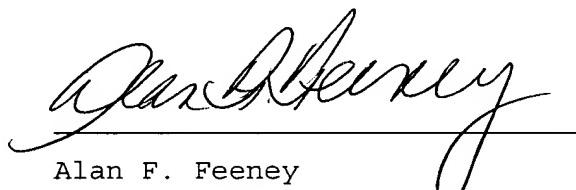
1. expires for failure to pay a maintenance fee,
2. is held unenforceable,
3. is found invalid,
4. is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a),
5. has all claims cancelled by a reexamination certificate, or
6. is otherwise terminated prior to expiration of the statutory term, except for the separation of legal title as stated above.

This disclaimer runs with any patent granted on the above application and is binding upon the grantee, its successors or assigns.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief which are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,
Societe de Conseils de Recherches
et d'Applications Scientifiques S.A.S.

Date: 11/22/2004



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